
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Force Broadcasting, LLC)	File No.: EB-FIELDWR-14-00013373
)	
Registrant of Antenna Structure No. 1250431)	NOV No.: V201432900013
)	
Bakersfield, California)	

NOTICE OF VIOLATION

Released: February 21, 2014

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Force Broadcasting, LLC (Force Broadcasting), owner of antenna structure number 1250431 in Bakersfield, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On January 14, 2014 and January 15, 2014, an agent of the Enforcement Bureau's Los Angeles Office inspected antenna structure number 1250431 located in Bakersfield, California and observed the following violations:

- a. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number,

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report.” On January 14 and January 15, 2014, the agent observed that all nighttime obstruction lights (including flashing lights) on the tower were extinguished. The agent’s research indicated a Notice to Airmen (NOTAM) had not been reported by the tower owner.

- b. 47 C.F.R. § 17.51 (a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” During the night time observations, the agent observed no flashing red obstruction lighting of the tower.
- c. 47 C.F.R. § 17.47 (a) (2): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part ... (a)(2) shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner.” On January 24, 2014, during the conversation with the agent, the tower owner representative stated that he was not aware of the light outage occurred on both January 14 and January 15, 2014. The automatic alarm system failed to inform the tower owner of the lighting extinguishment.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Additionally, we request the following information be provided: (1) how were lights on antenna structure 1250431 monitored pursuant to Section 17.47 of the Rules for the period from July 1, 2013 to January 27, 2014; (2) the last date when all lighting on antenna structure 1250431 was known to be operational prior to January 27, 2014, and how that determination was made, including providing records of observed or automatic monitoring failure of extinguishment or improper functioning of structure lights pursuant to the Section 17.49 of the Rules, and (3) the current status of the lights on antenna structure 1250431 and if not yet fully restored, provide a timeframe as to when the repairs are expected to be completed.

4. Therefore, Force Broadcasting must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct Force Broadcasting to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

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authorized officer of Force Broadcasting with personal knowledge of the representations provided in Force Broadcasting's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the regulatee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

7. This Notice shall be sent to Force Broadcasting at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Charles A. Cooper
District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).